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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,159	03/18/2004	Alain Vettoretti	713-1093	4137
<div>33712 7590 12/31/2007 LOWE, HAUPTMAN, GILMAN & BERNER, LLP (ITW) 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314</div> <div>EXAMINER WILLS, MONIQUE M</div> <div>ART UNIT PAPER NUMBER 1795</div> <div>MAIL DATE DELIVERY MODE 12/31/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,159

Applicant(s)

VETTORETTI ET AL.

Examiner

Monique M. Wills

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1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/18/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on July 20, 2007, is acknowledged. The traversal is on the ground(s) that the groups are mischaracterized, and are best related as subcombinations useable together. This is not found persuasive because The subcombination is the electric hand tool, and the combination is the electric hand tool and the battery powering device.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

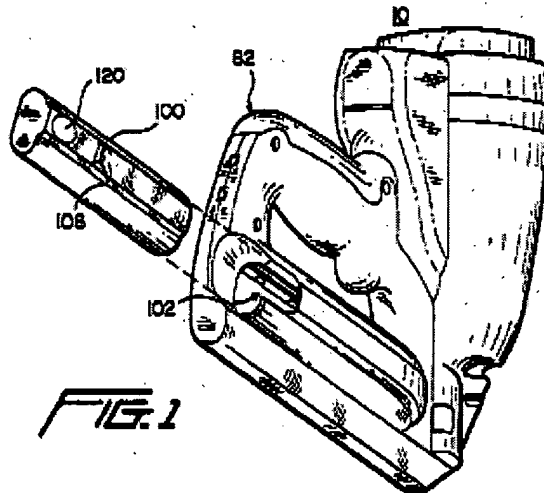
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 & 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buetow et al. U.S. 6,357,534, and further in view of Chen et al. U. S. Pub. 2004/0033415.

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Buetow teaches an electric hand tool comprising, in a casing , electrically operated components and a housing to accommodate a battery that powers the said components, with detachable means of securing the battery in its housing in a position of mechanical locking and electrical connection to the said components and in a position in which it is mechanically retained in its housing but electrically disconnected. See Figure 1.



The battery-accommodating housing is designed to accommodate therein a battery by sliding, and the battery securing means comprise an electrical locking finger (106) and a mechanical retaining finger both mounted so that they can move, in a direction roughly orthogonal to the direction in which the

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battery slides, between a locked and a retaining position, respectively, and a retracted function. See Figure 1.

The locking and retaining fingers are mounted so that they can be moved into the retracted position against the action of return means. See Figure 1. The locking finger (106) is secured to a rod mounted to slide into the retracted position against the action of a return spring under the action of an actuating trigger. See Figure 1. The locking finger and the retaining finger are mounted to be moved into the retracted position, one in each of two opposite directions. See Figure 1.

Beutow does not expressly disclose the that the securing means are designed to retain the battery in the electrically disconnected position only by friction.

However, Chen teaches that it is well known in the art to use frictional forces to retain batteries in battery housing. See par. 9.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to employ the friction engagement of Chen in the power tool of Beutow, in order to placement of the battery in the battery pack.

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Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Patrick Ryan, may be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

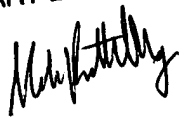
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

12/25/07

MARK RUTHKOSKY
PRIMARY EXAMINER



12.26.07